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Held at the Palais des Nations, Geneva,
on 22 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.20 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

1. Mr. LAMIDO (Nigeria) said that the Commission must address the conditions that inhibited the full enjoyment of human rights everywhere. Poverty was one such condition, for extreme poverty foreclosed any opportunity for a life of dignity, and therefore constituted a violation of the most basic human right. Regrettably, the developing countries bore the brunt of the challenges facing mankind, challenges that included poverty, disease, the effects of globalization and the persistence of internal conflicts. One way the international community could demonstrate its commitment to the pursuit of all human rights was by eschewing selectivity. The right to development was fundamental, it was central to the enjoyment of all human rights.

2. Initially hailed as a means of revitalizing the global economy, globalization had come to be identified as a new cause of poverty. Developing countries had to participate in the globalization process as subjects and not just as victims. If the world had, indeed, become one family living in a global village then, like a village, it should be an inclusive community for all not an exclusive body for a select few.

3. Nigeria believed that democracy and human rights had an organic link. True democracy could not flourish unless citizens had access to education, primary health care and other basic rights. One reason his Government was having difficulty in providing such services was the huge external debt burden. He therefore called for the total write-off of the debts of developing countries so that they could make a new start.

4. Corruption had had, and was still having, repercussions on the enjoyment of human rights. Much of Africa's wealth had been illegally stashed away in foreign banks by individuals in partnership with foreigners under corrupt regimes. It was disconcerting that, in the name of the rule of law, legal technicalities were being cited to obstruct the legitimate return of such looted funds. It was time that the international community took steps to settle the matter.

5. His own Government had established institutions to tackle the problem of corruption. Under a new Act on the subject passed in 2000, no one, not even the President, was immune from investigation. The Human Rights Investigation Committee established to investigate cases of human rights abuses committed between 1975 and 1998 had held hearings in several parts of the country with a view to establishing the truth and providing an opportunity for reconciliation. Two factions in Ogoni which had previously been sworn enemies had been reconciled as a result of its activities.

6. Gender mainstreaming had become part of national policy and women currently occupied key positions in both the Cabinet and elsewhere. Indeed, the conference on human trafficking held recently at Abuja, had been convened by a non-governmental organization (NGO) founded by the wife of the Vice-President.

7. Given the continuing and new manifestations of racism in the world, his Government looked forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was to be held later that year in South Africa.

8. After expressing his Government's appreciation of the recent visit of the needs assessment mission to discuss areas of possible collaboration in capacity-building and the strengthening of democratic institutions, he reaffirmed his Government's conviction that the Commission had a unique role to play in eliminating obstacles to the enjoyment of human rights and called on all delegations to work together in a spirit of partnership and understanding.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/17-19, E/CN.4/2001/NGO/9, 10, 40, 117, 146, 163 and 174)

9. Ms. de ARMAS GARCIA (Cuba) said that the exercise of the right to self-determination was a precondition for the achievement of all other human rights. She reaffirmed her delegation's complete solidarity with the Palestinian people in its just struggle to establish an independent State with Jerusalem as the capital, and also reiterated her delegation's unreserved support for the inalienable right of the people of Puerto Rico to exercise their right to self-determination in their territory, including the island of Vieques, and their demands for the immediate cessation of all military tests by United States troops on that island. For its part, Cuba continued to demand the return of its national territory which was currently occupied by the United States naval base at Guantánamo.

10. The struggle of peoples for self-determination was continuing, in part because of the emergence of a new policy of domination and the so-called right of "humanitarian intervention". There were no legal foundations for that so-called right; it had been rejected both by the Sub-Commission on the Promotion and Protection of Human Rights in 1999 and by the General Assembly. The dilemma for developing countries was whether or not they should allow themselves to continue being, under specific circumstances, the object of intervention by a handful of Powers. "Humanitarian intervention" was a violation of the Charter of the United Nations and of existing international law, particularly the right of peoples to self-determination. The challenge was to preserve peace while respecting the territorial integrity and diversity of nations. In that context, revitalizing the right of peoples to self-determination was of particular importance.

11. Turning to the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19), she said that she supported the Special Rapporteur's investigation of mercenary activities and his follow-up to his visit to her country in 1999. She agreed that there was clear and ever-growing evidence of a link between mercenaries and terrorism. Having been a victim of such activities financed from the territory of the United States for nearly 40 years, Cuba vigorously rejected such practices. It unreservedly supported the work of the Special Rapporteur and called for the renewal of his mandate for a further three-year term.

12. Terrorist activities against Cuba were continuing. A plan to assassinate President Fidel Castro in Panama had recently been foiled thanks to information provided by Cuba. Luis Posada Carriles, a well-known international terrorist who had been responsible for the bombing in mid-air of a Cubana de Aviación airliner in 1976, was currently being held in Panama with three other terrorists. Cuba had requested their extradition, in accordance with the relevant Panamanian legislation. However, the United States Government and the Miami terrorist mafia had been bringing pressure to bear on the authorities in an attempt to prevent justice from running its course.

13. Her delegation wished to draw attention to the possibility that Posada Carriles might again escape unpunished as he had done following the destruction of the Cuban airliner, when he had walked out of jail before the trial was ended only to reappear later in the pay of the CIA. He had admitted those terrorist actions in an interview granted to the New York Times on one of his visits to the United States. Cuba had every right to expect that those international mercenary-terrorists would be tried and severely punished as an example to others.

14. Mr. AL-THANI (Qatar) said that the right to self-determination was the legal foundation for justice, freedom and moral values and his delegation was most concerned at the violation of that right by Israel in the occupied Arab territories.

15. His delegation supported the decision and resolutions adopted at the ninth summit meeting of the Organization of the Islamic Conference (OIC). It was concerned that Israel was continuing to confiscate lands, build settlements and violate all international resolutions and decisions on the matter. At the ninth summit, the OIC had called for the cessation of all colonial activities, which were contrary to international law and to the agreements signed by Israel and Palestine. His delegation thus urged the Security Council to see to it that those activities stopped and to revitalize the Commission established pursuant to its resolution 446 (1979).

16. The Government of Israel must take practical steps to show its good will by fulfilling all its commitments and implementing the agreements it had signed. There could be no lasting peace in the region unless the Palestinian people were allowed to exercise their national and political rights, including the right to self-determination and the right to set up an independent State in their own territory with Jerusalem as its capital.

17. Mr. DEMBRI (Algeria), completing the statement he had begun that morning regarding the Special Rapporteur's report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19), said that his delegation agreed with the Special Rapporteur regarding the need to pay greater attention to mercenary activities, particularly in Africa where the problem was most acute. Oddly enough, it was the countries with the greatest natural resources that were experiencing the greatest upsurge in mercenary activities. Indeed, there was a veritable battle going on between political groups and multinational corporations for control of that wealth. The Special Rapporteur should be encouraged to continue his investigations. The picture became clearer when one noted that, in payment for their services, mercenaries were granted "concessions" in areas where the greatest resources were to be found. The persons financing the operations were often powerful public or private figures, as could be seen from various scandals that had arisen recently involving high-level political figures.

18. The Special Rapporteur had concluded that terrorism was one of the greatest scourges currently facing mankind, for terrorists were completely lacking in moral values. As noted in paragraph 50 of the report, mercenaries participated in trafficking in persons, drugs and weapons.

19. His delegation encouraged the Special Rapporteur to continue studying the link between terrorism and mercenaries and supported his recommendations, particularly the one regarding the convening of meetings of experts representing various geographical regions and legal systems to analyse traditional and new forms of mercenary activities and the problems posed by shortcomings in the existing definition of terrorism (para. 97).

20. Mr. RAMLAWI (Observer for Palestine) said that the real issue of the Palestinian people's right to self-determination, which needed no evidence or proof to justify it and which had been the subject of countless United Nations resolutions over the years, was that of the Israeli military occupation force, which regarded the Palestinian people's enjoyment of its right to self-determination as a menace to its society. The Israeli occupation force therefore exerted every effort to hinder the exercise by the Palestinian people of their national rights, including the right to self-determination. Colonial mastery and foreign occupation prevailed on the ground; that mastery became even more significant because of the way in which the oppressive force dominated the mechanism of implementing the principles of international law, the provisions of international legitimacy and the resolutions of the United Nations.

21. Through a policy of double standards and selectivity in implementing international law, the mechanism of implementation had become subject to one specific standard, which was the interest of the dominant Power. The interests of other peoples counted for nothing when set beside the strategic and vital interests of that single Power. When those interests coincided with the interests of another Power that was occupying Palestinian territories and committing crimes against the Palestinian people, the dominant Power was at pains to place the occupying Power and the people under occupation on an equal footing, the hangman on the one hand and the victim on the other. The people under occupation were even blamed when they tried to defend themselves.

22. The issue of the right of the Palestinian people to self-determination lay at the heart of the whole problem in the Middle East. If the world really wanted peace and security in that region, the international community should shoulder its responsibility by putting an end to all the obstacles that hindered implementation of its will, and enable the Palestinian people to exercise their right to self-determination. That could be achieved only by liberating Palestinian territory from military occupation in all its forms and manifestations, particularly by putting an end to the construction of new Israeli settlements and dismantling the existing ones. The international community should undertake its responsibility at the side of the Palestinian people's struggle.

23. Mrs. ABOULNAGA (Observer for Egypt) said that the situation of the Palestinian people represented one of the worst forms of violation of the right to self-determination. Israeli practices and violations of human rights in the Palestinian territories were in flagrant violation of international law and of the wishes of the international community, and they were getting worse.

It was a vicious circle which threatened to destroy attempts to build peace. There had to be acknowledgement of the right of the Palestinian people to establish its own independent State. In refusing to acknowledge that right, Israel was merely making its record for failing to respect international law even worse.

24. The developments in occupied Palestinian territories since September 2000, in which Israel had used excessive force and which had been condemned by the General Assembly and Security Council, showed that force could never stop the Palestinian people from continuing their struggle to achieve an independent State through the exercise of the right to self-determination. Continued Israeli oppression could only worsen the situation and stiffen the resolve of the Palestinian people to resist.

25. The international community must take urgent steps to halt the Israeli occupation and call upon Israel fully to implement Security Council resolutions and respect the right of the Palestinian people to self-determination and to their own independent State. Peace would be achieved only with the assistance of the international community. The observer for Israel had spoken of an important stage having been reached in the Taba peace negotiations, yet the Israeli Prime Minister had said that his Government would not undertake to respect earlier commitments, and intended to set new peace terms. She wondered which of the two was to be believed. Could the observer for Israel assure the Commission that his Government intended to negotiate on the basis of the Taba positions?

26. Mr. OBEIDAT (Observer for Jordan) said that, despite numerous international resolutions, the United Nations and the international community had failed to enable the Palestinian people to exercise its inalienable right to self-determination and to harmonize their practice with the principles they had adopted. A durable and sustainable peace, as well as lasting security and stability, could be established only through the unconditional withdrawal of all Israeli forces from Arab and Palestinian occupied territories and the full implementation of relevant United Nations resolutions, as well as Israeli implementation of signed agreements. His Government was deeply concerned at recent developments in the West Bank and Gaza, where the Palestinian people, including women and children, continued to face flagrant violations of their human rights. Israel's systematic violation of international humanitarian law, particularly the Fourth Geneva Convention, excessive use of force against civilians, collective punishment closures and curfews, and the building and expansion of settlements exacerbated the situation. His Government believed that it was essential for peace negotiations to be resumed from the point at which they had stopped.

27. Mr. AL-ASKAR (Observer for Kuwait) said that Israel's failure to respect numerous international resolutions had deprived the Palestinians of their inalienable right to self-determination and enjoyment of their fundamental rights. His delegation confirmed its support for all resolutions concerning the Palestinian people, including Commission resolution 2000/4. The Palestinian people should be enabled to enjoy its right to an independent State with Jerusalem as its capital.

28. Mr. LEMINE (Observer for Mauritania) said that the right to self-determination was a cardinal and inalienable right under international law. It was not only the basis of sovereign equality between nations but also an ideal for all peoples. The situation of the Palestinian people, however, ran counter to the universal and irreversible march towards freedom. They were still seeking to exercise their right to self-determination and their right to establish an independent State with Jerusalem as its capital. The only way of ending the Israeli-Arab conflict and resolving the Palestinian question which lay at its heart was for Israel to grant the Palestinian people their national and inalienable rights and withdraw from all occupied Arab territories.

29. Mr. AL-ATTAR (Observer for Yemen), having expressed his gratitude to the High Commissioner for the courageous and conscientious manner in which she had fulfilled her mandate and his regret at her decision not to seek a second term, said that Israel continued to oppress the Palestinian people and remained intransigent in every way: stealing land, destroying homes, and implementing a policy of closures which prevented access for humanitarian and medical assistance, as well as movement by the Palestinian people and the export of Palestinian goods. Israeli practices had been increasing in violence since September 2000. Israel should abide by the relevant United Nations resolutions and withdraw from the occupied territories.

30. Mr. FRICK (Observer for Liechtenstein), having expressed his regret at the High Commissioner's decision not to seek a second term, said that the Liechtenstein initiative on self-determination, introduced several years previously in the United Nations, advocated a more flexible and open-minded approach according to which the right to self-determination could be exercised in different ways. The initiative placed particular emphasis on self-determination by communities living within States. Such models of self-determination were based on forms of autonomy, self-governance and self-administration, and stopped short of independence. While each situation had its own specific set of circumstances, the ideas of the Liechtenstein initiative were to be seen very much as a preventive tool and thus as a contribution to the efforts to develop a culture of prevention.

31. The right to self-determination had played a central role in the process of decolonization, which, with very few exceptions, was a process that had been concluded. To some, that was tantamount to the end of the importance of the right to self-determination. However, in his Government's view, it had to be the end of an almost automatic equation of self-determination with independent statehood and, at the same time, the beginning of a new era in which innovative approaches were developed which allowed for pragmatic forms of self-governance and self-administration of communities living within States, thus ensuring both the territorial integrity of the States and the right to self-determination of the peoples in question. In that way, the right to self-determination could become the basis for the full enjoyment of all human rights.

32. Mr. SAMVELIAN (Observer for Armenia) said that new strategies had emerged to limit the exercise of the right to self-determination in time and space, affirming that the right should be applied only once and to one's national territory only. Both conditions merely restricted the right to a fair interpretation of principles and favoured short-term geostrategic convenience and double standards. Another unacceptable interpretation was that the right to self-determination should be given a lower priority than the principle of territorial integrity even though, according

to the Helsinki Final Act, the two principles were interrelated, had equal priority and could not therefore be applied separately. Blatant attempts had recently been made to question the essence and applicability of the right to self-determination, leading small nations into forced assimilation and/or large-scale exoduses from their homelands, causing regional unrest and threatening the security of neighbouring States.

33. Armenia was committed to full implementation of the right to self-determination through peaceful means of the people of Nagorny Karabakh, who had suffered colonial domination by the Soviets and foreign occupation by Azerbaijan, which had been granted jurisdiction over that Armenian region illegally and unjustly in 1923. Armenia commended the courage of some Governments in conducting referendums and taking public action to secure and consolidate application of the right to self-determination in their respective territories.

34. Mr. LEVY (Observer for Israel) said that the current situation needed to be addressed in a non-polemical fashion, as the Fact-Finding Committee established by the Sharm al-Sheikh Summit was currently doing, its members including distinguished leaders from the United States, the European Union and Turkey. He recalled that, at that Summit, the Chairman of the Palestinian Authority had made a commitment to call unequivocally on his forces and people to end all acts of violence. That call had never materialized.

35. Negotiations had continued at Taba in January 2001 but the Palestinians had once again missed the opportunity to attain some of their aspirations which would have been possible if they had agreed to compromise as Israel had done. It was unrealistic of the Arab speakers at the previous meeting to subscribe to the position that the Palestinians should attain all their goals. Following the elections, the outgoing Prime Minister had stated clearly that the negotiating positions presented in Camp David and in Taba were no longer valid. It was therefore, regrettably, necessary to start anew to reduce the violence and open negotiations.

36. Although economic loss and unemployment were currently prevalent among Palestinians who had been accustomed to work in Israel every day, his Government still favoured full employment for Palestinian workers. It could not, however, tolerate a situation in which some workers imported violence into its heartland, planting bombs in market places or running down innocent civilians. The return to full employment depended upon the cessation of the violence.

37. A speaker had referred to the Jews who immigrated to Israel, particularly in 1948, as "gangs" which had occupied Jerusalem. Those "gangs", however, were returning to their homeland after two millennia of dispersion and persecution; they had included professors and scientists, as well as survivors of the concentration camps in Nazi Germany and elsewhere in Europe; and they had created marvellous institutions in the land of Israel. They had created hospitals, such as Hadassah Hospital in Jerusalem, where not only Israeli Jews but also Israeli and other Arabs came daily for treatment. In that context, he drew attention to the recent murder of a haematologist on his way home from the Hospital; the last patient he had seen had been an Arab. Israelis had also established the Histadrut, the trade union to which millions of Arab and Jewish Israelis belonged, as well as the only free press in the Middle East, which freely criticized Government and opposition alike.

38. Lastly, he expressed concern that the use of the word "gang" had been tolerated and greeted with silence from other delegations and the High Commissioner. He doubted whether the same reaction would greet such a defamation of any other nation, people, race or group. A first step towards a successful World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to take care in the use of language.

39. Mr. MUSAYEV (Observer for Azerbaijan) said that, although self-determination was a fundamental human right, there were situations when the principle was used to justify secession or territorial expansion under the pretext of care for ethnic groups in other, often multi-ethnic States. Outside encouragement or even support for secessionist activity was deeply harmful to the international legal order, a basic feature of which was respect for the principle of territorial integrity, along with the accompanying principles of non-aggression and non-interference.

40. International instruments incorporating the right to self-determination, such as the Vienna Declaration and Programme of Action, were not to be construed as authorizing or encouraging any action that impaired the territorial integrity or political union of sovereign States. Similarly, the International Covenant on Civil and Political Rights made a clear distinction between the right to self-determination and the rights of persons belonging to minorities, although some reports submitted to the Human Rights Committees confused the two. Moreover, General Recommendation XXI of the Committee on the Elimination of Racial Discrimination had noted that, as stated in An Agenda for Peace, "a fragmentation of States may be detrimental to the protection of human rights".

41. An entity which purported to be a "State" in violation of the principle of the right to self-determination was a mere fabrication. The development of the right of peoples to self-determination should be understood more in support of an entitlement to democracy rather than as an encouragement to fragment the political map of the world.

42. With regard to the remarks by the observer for Armenia, he pointed out that Security Council resolution 822 (1993) had underscored respect for the inviolability of international borders and had called for the immediate withdrawal of all occupying forces from recently occupied areas of Azerbaijan. There was no question of a violation of the right to self-determination on the part of Azerbaijan; on the contrary, the act of sending in forces had been in contravention of the Charter of the United Nations.

43. Mr. LACK (World Jewish Congress), speaking also on behalf of the International Association of Jewish Lawyers and Jurists, said that the Commission's way of discussing the Arab-Israel conflict was fundamentally flawed and selective. One outcome of the fifth special session, apart from the succession of vituperative resolutions, which many members had rejected, had been the so-called decision to establish a human rights inquiry commission which would gather information on acts which constituted grave breaches of international humanitarian law by the Israeli occupying Power. Thus the inquiry commission had been charged with proving violations before evidence of their alleged commission had even been established. Moreover, one member of the Commission was known for his unrelenting hostility towards Israel and Zionism, while another enthusiastically identified with the Palestinian viewpoint.

44. In the event, the one-sided character of the report had confounded even the most cynical expectations. Press reports had been quoted out of context, giving the impression that Israeli leaders were conducting a policy of extrajudicial execution and political assassination, rather than one of effective containment of terrorist attacks against civilians. On the other hand, not a word in the report was devoted to the avowed policy of politicide of the State of Israel and the call for the genocidal killing of all Jews and Israelis, which were daily to be found in the media, including the Internet, propagated by such movements as the Hezbollah, Islamic Jihad and Hamas.

45. That campaign had had serious results, provoking more than 200 attacks on Jewish community centres by terrorists and their supporters throughout the world. The report also distorted the situation with regard to the tragic question of Arab refugees left to disintegrate in camps, where hatred for Jews and Israel was systematically inculcated.

46. By contrast, Israel would continue its determined pursuit of the path of peace and direct dialogue with its Palestinian and Arab neighbours whenever the opportunity arose. Convincing proof of the Israeli approach had been amply demonstrated to the world immediately prior to the deliberate and exploitative resumption of violence by the Palestinian Authority and its supporters.

47. Mr. LITTMAN (World Union for Progressive Judaism) said that the Arab-Israel conflict was at its most dangerous point since the 1973 Yom Kippur War. Although the time might not yet be ripe for the realization of his seemingly Utopian vision of a "United States of Abraham" in the Middle East, the text of which appeared in document E/CN.4/2000/NGO/4, he continued to believe that a future Palestinian State could become a genuine partner in peace with Israel, alongside Jordan, if a new spirit of mutual acceptance became the norm and the rule of law became the natural bedrock of civil society.

48. It was deeply disappointing that an alliance had been formed between the Palestinian Authority and the fanatical Hamas movement. As Sir Karl Popper had said, unlimited tolerance must lead to the disappearance of tolerance. Such dangerous alliances would not serve to reassure Israel that a viable future together could be constructed. Time was running out. He called on the Commission to make a positive contribution to reinvigorating the peace process.

49. Mr. ARRAIZA NAVAS (American Association of Jurists) said he wished to draw attention to the gross violations of human rights to which the people of Vieques had been subjected over the past 60 years owing to the denial by the United States of America of the right to self-determination for the people of Puerto Rico, which was exacerbated by the policy adopted by the recently elected government.

50. War had been the United States habitual recourse in overcoming its economic crises, as shown by events in Iraq, Palestine, the Balkans and Colombia. In Vieques, the United States Government practised the manoeuvres required to wage war and tested so-called depleted uranium ammunition, despite the condemnation by the General Assembly of the military exploitation of non-self-governing territories subject to colonial rule.

51. There was serious concern about the health effects of depleted uranium. The United States and other members of the North Atlantic Treaty Organization (NATO) argued that the relationship between uranium exposure and cancer was not proved. That irresponsible approach, however, indicated that they were experimenting with human lives in order to develop new and more deadly weapons. Independent studies had confirmed that uranium, which the United States Government had admitted using recently in Vieques, had polluted the environment of the island, which was inhabited by 9,300 people living only 8 to 12 miles away from the target range.

52. Studies had concluded that munitions with uranium-238 had been tested in Vieques before their use in the Gulf War, Bosnia and Kosovo. The population of Vieques had therefore been exposed to the toxin for over a decade. He urged the Commission to appoint a special rapporteur to investigate the matter, to order the immediate cessation of all military manoeuvres and to send a team of impartial scientists and epidemiologists to study the effects of uranium on the population.

53. Mr. GUERRERO (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme) said that the referendum for the self-determination of the people of Western Sahara had been postponed and the Peace Proposals were paralysed - perhaps irremediably - by Morocco's submission of an extraordinary number of appeals against the provisional list of voters for the referendum: 130,000 appeals on a basis of 86,386 people on the list. The United Nations position, as revealed by successive reports by the Secretary-General, was to process the appeals, thereby establishing a second round of voter identification. That approach would clearly favour the interests of Morocco.

54. Nevertheless, the appeals went against the spirit and the letter of Western Sahara Peace Proposals. Most of the appeals were against exclusion and based on new evidence although the latest report (S/2001/148) noted that the appellants had presented witnesses in support of their claims rather than documentary proof. It was impossible for there to be over 200,000 new witnesses, given that the provisional list of voters contained only 86,386 people.

55. It was a matter of great concern that the United Nations was considering the abandonment of the legal process and the development of alternative integrationist policies whereby Western Sahara would form part of the State of Morocco. The "transference of a governmental authority" by Morocco, of which the Secretary-General had spoken in recent reports, ran the risk of replacing the right to self-determination with an imprecise formulation that would predetermine the future of the people of Western Sahara without prior consultations.

56. It was also a matter of concern that the Secretary-General described Morocco as the "administrative Power in the Western Sahara", when the correct description was "occupying Power": the Western Sahara being a non-autonomous Territory awaiting decolonization.

57. His organization therefore recommended that the Secretary-General should call for an urgent examination of the majority of the appeals submitted and, on the basis thereof, should reject the admissibility of all appeals lacking sufficient legal support. Any other course of action would set in train a process that came undesirably close to illegality. The Western countries with economic interests in the area would surely be reluctant to see the Frente POLISARIO renew its

war against Morocco, with all the attendant instability involved. International legal principles should thus be upheld and the referendum should be conducted as a legitimate and necessary culmination to the Peace Proposals.

58. Ms. SHARFELDDIN (International Organization for the Elimination of all Forms of Racial Discrimination), comparing the attitudes of Western countries to two right-wing leaders, said that the same countries that had congratulated Ariel Sharon on his election as leader of the Likud Party in Israel, had threatened suspension of international relations with Austria if Joerg Haider's Freedom Party remained in power. Although the latter maintained racist attitudes, it was not responsible, as were Sharon and his Party, for thousands of killings: in the Palestinian village of Deir Yassin (in 1948) and at the Sabra and Shatila refugee camps in Beirut (in 1982), and for many other incidents of bloodshed and degradation of people because they were not Jews. The international community should take a firm stand against so extreme a manifestation of racism and take measures to prevent Israel's oppression of Palestinians. Such measures had proved successful in defeating apartheid in South Africa.

59. Mr. JOSHI (Afro-Asian People's Solidarity Organization) said that the right to determine one's destiny was "the essence of humanity". Nations that had thrown off the yoke of colonialism had largely adopted the democratic model, which was the best political ideology. Colonialism pitted people against people, dividing communities to facilitate the exploitation by colonizers of the resources of colonized lands. Although such ideology had been denounced, its practices persisted in some parts of the world.

60. Unfortunately, the experiment with democracy in Pakistan had been repeatedly interrupted by "men in uniform" dominated by one linguistic group. The people of the Seraiki nation, along with the Sindhis, Baloch, Mohajirs and other minorities, continued to be denied their basic rights by pseudo-colonial masters, the Punjabis of Pakistan. Seraiki resources were usurped and their heritage and language excluded from school curricula. Those attempting to articulate their aspirations were called traitors and silenced. The Seraiki were not terrorists, which was perhaps why their voices were not heard. Theirs was a quest not for secession, but for the recognition of their uniqueness. The Commission should thus demand that the Government of Pakistan respect their right to self-determination.

61. Mr. TRAMBOO (International Human Rights Association of American Minorities) said that, in August 2000, his organization had sponsored the First International Conference on the Right to Self-Determination and the United Nations in Geneva. The participants - including eminent United Nations experts, government and NGO representatives, jurists and scholars - had discussed the self-determination needs of a wide range of indigenous populations, minorities and nations. The Conference had recognized that the search for, or the prevention of, self-determination typically lay at the root of conflicts, economic crises, refugee flows and human rights violations, which resulted in widespread destruction and considerable civilian losses. It was not true that globalization had rendered the logic of the struggle for self-determination meaningless. The Conference had unanimously recommended the establishment of an office of a high commissioner for self-determination and a self-determination commission comprised of representatives of States Members of the United Nations with a view to laying a foundation for the establishment of an effective mechanism for realization of that right.

62. Mr. ALI KASHMIR (European Union of Public Relations) said that the self-determination of the people of Jammu and Kashmir had been thwarted for over 53 years, despite Security Council resolutions. A permanent solution must be found as a matter of urgency. The key factor in the situation was the constant bickering and fighting between India and Pakistan which had frustrated efforts to ascertain the will of the Kashmiri people. The two countries had not only fought regular wars in 1965 and 1971; they continued regularly to shell each other from across the border. The Kashmiri people were victims of forced occupation. Their poverty and backwardness were due not to a lack of resources but to colonialism and to the violation of their basic civil, political, economic, social and cultural rights. India and Pakistan alike treated the Kashmiris no better than slaves. United Nations resolutions provided only for accession either to India or to Pakistan, disregarding the right of the people of Kashmir to independence ... .

63. The CHAIRPERSON said that the speaker had exceeded his allocated speaking time.

64. Mr. MUMTAZ KHAN (International Institute for Peace) said that there was no consensus on any single definition of the right to self-determination. Although all nations claimed to uphold the principle of self-determination, their practices revealed otherwise. The Kashmiris were still struggling to take control of their destiny despite promises made by the Governments of India and Pakistan. For 53 years, both countries had been accusing each other of not complying with the relevant United Nations resolutions.

65. Instead of liberating Kashmir, the Pakistani tribals had invaded Kashmir, looting, raping women, engaging in indiscriminate killings and forcing the ruler of Kashmir to seek assistance from India at the cost of accession. Those responsible for the destruction of Buddha in Afghanistan were currently seeking to "talibanize" Indian-held Kashmir. The struggle for the self-determination of Kashmir had become a war of hatred in which foreign religious zealots fought Hindus to create an Islamic empire ... .

66. The CHAIRPERSON said he regretted having to interrupt the speaker who had exceeded his allocated speaking time.

Statements in exercise of the right to reply

67. Mr. LIU Xinsheng (China) recalled that many speakers, including members of Western delegations, had expressed their willingness to participate in the work of the Commission with a new sense of goodwill in the new millennium. Regrettably, however, the Minister of State at the Foreign and Commonwealth Office of the United Kingdom had that morning demonstrated a total disregard for reality, and had made presumptuous comments on the situation in China. The Chinese delegation categorically rejected the accusations made.

68. Over the past two decades in particular, China had made tremendous progress on human rights, economic and social development and democracy. In fact, the human rights situation was at its best in the country's history, as acknowledged by all unprejudiced observers. The Chinese Government had dealt with Falun Gong in accordance with the law and in the interests of protecting the human rights of the people.

69. The representative of the United Kingdom had indulged in irresponsible accusations against other countries while turning a blind eye to widespread violations of human rights in his own country, which included police brutality, racial and gender discrimination and polarization of wealth. The United Kingdom Government would be well-advised to put its own house in order first.

70. Mr. CHIDYAUSIKU (Observer for Zimbabwe) speaking in right of reply, dismissed utterly the comments made by the Minister of State at the Foreign and Commonwealth Office of the United Kingdom that morning regarding alleged harassment of the judiciary in Zimbabwe and violence orchestrated against members of the opposition. The Government of Zimbabwe respected the independence of the judiciary, and the press was as free as in any part of the world. After almost half a century of brutal British colonialism, Zimbabweans knew how to value those principles; it had certainly not learned them from the British.

71. Some members of the judiciary who had made political statements had sought to hide behind the independence of the judiciary when politicians had reacted to their statements. Members of the opposition sought to give the impression that they were being persecuted in order to attract funding from abroad. The United Kingdom and the British press, evidently suffering a colonial hangover, had continued to offer them assistance in order to create chaos in the country. Meanwhile, the Government of Zimbabwe was seeking to redress imbalances in land ownership between the white minority of British descent and the black majority.

72. It had taken the people of Zimbabwe years of armed struggle to teach the British that they had a right to self-determination. The British consequently had no right to stand in judgement over Zimbabwe. The two journalists expelled from Zimbabwe - one of whom happened to be British - had been involved in illicit activities. Since all journalists committed to journalism continued to report freely in the country, there was no basis to the allegation that the Government was persecuting journalists. Zimbabwe did not have to be lectured by the British who had their own problems at home.

73. Mr. BELIZ (Observer for Panama), responding to the statement made by the delegation of Cuba, said that his Government would exercise its prerogative as a sovereign State to decide the case in question. It agreed, however, with the Special Rapporteur that such offences should not go unpunished.

74. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that his delegation did not intend to enter into a polemic on the subject of Western Sahara, since that question was being addressed in the appropriate forum, namely the Security Council. Not only were United Nations resolutions on the question being adopted every few months, but a Special Envoy of the Secretary-General had been given a clear mandate on the issue with a view to facilitating the elaboration of a political solution acceptable to all the parties involved. The Government of Morocco was cooperating fully with the Special Envoy to that end.

The meeting rose at 6 p.m.